

REMARKS

In reply to the Final Office Action dated December 16, 2005, Applicants propose to amend claims 18, 25, 29-32, and 36 to clarify the claimed invention and expedite the prosecution of this application. To expedite the issuance of a Notice of Allowance, Applicants respectfully request appropriate entry and consideration of this Amendment. Upon entry of this Amendment, claims 18-25 and 27-36 will remain currently pending.

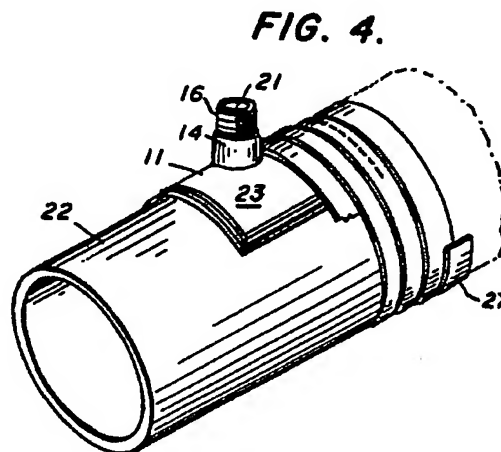
Applicants and their representative appreciate the Examiner's courteous efforts to advance prosecution during the personal interview conducted on February 28, 2006.

With respect to the outstanding ground for rejecting claims 18-25¹ and 27-36 under 35 U.S.C. § 112, first paragraph, the Examiner took the position that the original disclosure is inadequate simply because it does not contain certain words (such as "non-adjustable," "fixed," "non-adjustable," and "non-expandable") recited in claims 18, 25, 29-32, and 36. Although in disagreement with this ground for rejection, Applicants propose to amend claims 18, 25, 29-32, and 36 to obviate the Examiner's concerns. Specifically, Applicants propose to broaden these claims by removing the substantially "non-adjustable," "fixed," and "non-expandable" features objected to by the Examiner. Thus, the scope of the claims is no longer limited by these features. And as a result of these amendments, the basis for the outstanding new matter ground for rejection no longer exists. Accordingly, Applicants respectfully request that the Examiner withdraw the new matter ground for rejection.

¹ Since the previous Office Action indicated that claim 25 was allowable over the prior art, Applicants respectfully believe that this claim remains allowable subject only to the outstanding grounds for rejection under 35 U.S.C. § 112, first paragraph.

With respect to the outstanding grounds for rejection based on obviousness, the Examiner indicated that several proposed changes to the claims would distinguish the claimed invention over the prior art of record. For instance, the Examiner acknowledged that the prior art does not disclose or suggest a reinforcing member or band that is not a hose clamp, as disclosed in Webb et al. and Kesterman. Based on this acknowledgement, Applicants proposed to include a negative limitation under M.P.E.P. § 706.03(b) in some of the claims to make it clear that the reinforcing member is not such a hose clamp. In response, the Examiner indicated that this negative limitation would distinguish over Webb et al. and Kesterman. Accordingly, Applicants propose to amend independent claims 18 and 32 to include the negative limitation that the claimed “reinforcing member” or “ring” is not a hose clamp.

During the interview, the shortcomings of the newly cited Cude et al. patent were also discussed. Fig. 4 illustrates the Cude et al. device:



As shown, the Cude et al. patent is directed to the use of a fitting 11 with a pressure-adhesive gasket 18 “for making a pressure connection to the enclosed sheath [22] of multiple electric wire cables such as telephone cables.” Cude et al. at col. 1, ll.

9-11. To hold the fitting 11 in place, the Cude et al. patent discloses the use of a “winding of ‘friction’ tape 27 or the like applied over the base portion and around the cable sheath, to secure the fitting against pressure applied to the inside of the cable.” Col. 2, ll. 45-48. The Cude et al. patent, however, fails to disclose or suggest a reinforcing material that is arranged to prevent loss of sealing engagement between the female end of a pipe and a sealing element fixed to the exterior of the male end of a pipe, as recited in independent claim 18. Nor does the Cude et al. patent disclose or suggest a ring disposed around the female end to maintain a seal between an outer surface of the gasket and an inner surface of the female end when the male and female ends are subjected to the predetermined level of internal pressure, as recited in independent claim 32.

Instead, the Cude et al. patent teaches away from the claimed invention in several ways. First, the Cude et al. patent is directed to a fitting for a cable sheath 22, not a corrugated pipe having two sections joined together through the use of male and female ends, as recited in independent claims 18 and 32. Second, the purpose of the friction tape 27 in the Cude et al. patent is to prevent moisture from **entering** the sheath and “contacting the conductors in the sheath,” Cude et al. at col. 1, ll. 17-18, by securing “the fitting against pressure **applied to the inside of the cable.**” *Id.* at col. 2, ll. 47-48 (emphasis added). By contrast, the claimed invention is directed to the problem of fluid pressure **applied from the inside of a pipe.** By contrast, independent claim 18 specifically recites “a sealing element . . . disposed to sealingly engage the **interior** surface of the female end” of a pipe section, and “a reinforcing material arranged prevent loss of sealing engagement between the female end and the sealing element

during use of the pipe.” Claim 18 at ll. 8-11. To make this distinction clear, Applicants propose to replace the phrase “during use of the pipe” with the phrase --when the female end is subjected to a predetermined level of **internal** pressure--. Similarly, independent claim 32, recites:

a ring disposed around the female end to maintain a seal between an outer surface of the gasket and an inner surface of the female end when the male and female ends are subjected to the predetermined level of **internal** pressure.

Claim 32 at ll. 7-10. The structure, purpose, and context of the Cude et al. patent all teach away from independent claims 18 and 32. Consequently, Cude et al. not only fails to disclose or suggest the missing features of Goddard, as required by 35 U.S.C. § 103, but it also teaches away from the claimed invention.

Thus, even if Goddard could be properly modified based on the teachings of Cude et al. to result in the claimed invention, which they could not, there is no motivation for modifying Goddard in the manner suggested by the Examiner. One having ordinary skill in the art at the time of the invention would not even consider making the Examiner’s imagined modification (e.g., the wholesale addition of the wound tape of Cude et al. to the Goddard device) because Cude et al. explicitly teaches away from this alteration, as discussed above. Indeed, the Examiner’s fictitious changes would impermissibly change the principles of operation of the Cude et al. device. The MPEP specifically states that if the “proposed modification would . . . change a principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious.” M.P.E.P. § 2143.01 at 112-13 (7th ed. 1998). Accordingly, it is only through hindsight afforded by Applicants’ own disclosure that the Examiner can even assert that the applied

references suggest the claimed invention. Such hindsight determinations are impermissible under 35 U.S.C. § 103. Upon entry of this Amendment, independent claims 18 and 32 thus will be allowable over the prior art of record. And since claims 19-24 and 33-36 are dependent upon independent claims 18 and 32, respectively, these dependent claims are allowable for the same reasons as claims 18 and 32.

During the interview, the Examiner also recommended that the claims would distinguish over the prior art if they were amended to make include a Markush limitation drawn to any one of several illustrative embodiments disclosed in the specification. Specifically, the Examiner suggested that the claims should be amended to recite a reinforcing member or ring that comprises any one of (1) a single piece of material that does not include any structure for allowing the ring to be unwound or expanded, (2) a coating that includes an extruded plastic material, or (3) a coating that includes one or more of a fiberglass, carbon, or plastic fiber. As discussed, the specification provides ample support for this subject matter. See, e.g., Original Specification at 15, ll. 17-24. In light of this indication of allowability, Applicants propose to amend independent claim 29 to call for an annular reinforcement material that is "extruded" around the exterior surface the exterior surface of the female end section of a pipe. Similarly, Applicants propose to amend independent claim 30 to call for an annular band of reinforcing "coating" that is disposed around the exterior surface of the female end section of a pipe. Upon entry of this Amendment, independent claims 29 and 30 thus will be allowable over the prior art of record. And since claims 27-31 are dependent upon independent claim 30, respectively, these dependent claims are allowable for the same reasons as claim 30.

For at least these reasons, the prior art of record fails to disclose or render obvious each and every element recited in independent claims 18, 29, 30, and 32. The Final Office Action does not include a rejection of independent claim 25 based on the prior art, and the previous Office Action indicated that this claim was allowable over the prior art. In addition, claims 19-24, 27-28, 31, and 33-36, which all depend upon one of the independent claims, respectively, recite additional features that are neither disclosed nor suggested by each of the applied references, taken either alone or in combination. Thus, each of the dependent claims is allowable for at least the same reasons discussed above with respect to the independent claims.

Applicants respectfully request that this Proposed Amendment After Final under 37 C.F.R. § 1.116 be entered by the Examiner, placing pending claims 18-25 and 29-36 in condition for allowance. Applicants submit that the proposed amendments of claims 18, 25, 29-32, and 36 do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, and further since the claims are deemed allowable if rewritten in independent form. Therefore, this Amendment should allow for immediate action by the Examiner.

Finally, Applicants submit that the entry of the Amendment would place the application in better form for appeal, should the Examiner continue to dispute the patentability of the pending claims.

Applicants, therefore, request the entry of this Amendment, the Examiner's reconsideration of the application, and the timely allowance of the pending claims.

Additionally, the Examiner is invited to telephone the undersigned Applicants'

representatives at (202) 408-6052 if it would be helpful to further expedite the prosecution of this application and, thereby, minimize time and expense.

If any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this response, and not requested by attachment, such extension is hereby requested. If there are any fees due under 37 C.F.R. § 1.16 or 1.17 that are not enclosed, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge those fees to our Deposit Account No. 06-0916.

Respectfully submitted,

**FINNEGAN, HENDERSON, FARABOW,
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By:  _____

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Dated: March 16, 2006